

Remarks

Claims 1-33 are currently pending and stand rejected. Applicants assert that at least claims 1-20 and 26-33 are in condition for allowance after final as set forth more fully below such that the after final rejection should either be withdrawn in favor of a new rejection or that an indication of allowable subject matter be provided. No claim amendments have been requested after final such that there are no new issues requiring further search or consideration.

102 Rejections

Claims 1-33 stand rejected under 35 USC 102(b) as being anticipated by Kaufman (US Pat 6,035,018). Applicants respectfully traverse these rejections.

Claims 1-7

The Office Action has rejected claim 1 by stating that Kaufman discloses all of the elements. Applicants argued that the recorded announcement of Kaufman was being provided to the answering machine from the telecommunications network rather than being provided as an audible message to a caller. In that regard, claim 1 recites that a call from an individual is connected to the at least one central terminal, with the at least one central terminal receiving an appropriate recorded announcement from the announcement service node so as to audibly convey information to the calling individual as the recorded announcement is played from the at least one central terminal during the call. However, it should be noted that claim 1 also recites at least one central terminal for routing communications on the communication network and in communication with the network.

In rejecting claim 1 in the Final Office Action, the Examiner equated the answering machine to the central terminal to then state that it is the answering machine playing the audible message for callers to the party who is using the answering machine. However, there are critical flaws with this argument because this argument does not account for the central terminal routing communications on the communications network and playing the recorded announcement from the central terminal during the call. The answering machine of Kaufman does not route communications on the communications network but is instead an end point for call. The Final Office Action has apparently

conceded this point by stating that the central terminal that routes calls is the central office 14 of FIG. 1 in Kauffman. However, the Final Office Action then goes on to switch from the central office 14 to state that the answering machine is the central terminal for audibly conveying information by playing back the recorded announcement to the caller.

Applicants assert that the Examiner cannot rely on the central office 14 as being the central terminal and then when convenient for the same claim, determine that the answering machine is the central terminal. If the central office 14 is the central terminal, then the central office does not play back the recorded message to audibly convey information to the calling party. If the answering machine is the central terminal, then the answering machine fails to route communications on the communications network. Therefore, either way, Kaufman fails to disclose all of the elements of claim 1. For at least these reasons, claim 1 is allowable over Kaufman. Dependent claims 2-7 depend from an allowable claim 1 and are also allowable for at least the same reasons.

Claims 8-13

The Office Action has rejected claims 8-13 by also stating that Kaufman discloses all of the elements. A similar flaw appears in the rejection of claim 8. Initially, the Final Office Action states that the plurality of central offices is disclosed as the central office 14 of Kaufman. Then, when convenient, the Final Office Action switches to state that the central office is the user's telephone answering device.

Claims 14-20

The Office Action has rejected claims 14-20 by stating that Kaufman discloses all of the elements. However, a similar flaw also appears in these rejections. Claim 14 recites at least one recorded announcement file coupled to the switch circuit via a trunk network, the at least one recorded announcement file including information for users who place calls on the communications network. The Examiner equates the answering device to the switch of claim 14. However, the Examiner provides no explanation of how the answering device is coupled to at least one recorded announcement file via a trunk network. To the contrary, the recorded announcement file being played from the

answering device of Kaufman has already been downloaded from the central office and is stored locally on the answering device as opposed to being coupled to a switch via trunk lines.

Claims 26-32

Claim 26 depends from claim 25. Claims 25 and 26 have been rejected by stating that Kaufman discloses all of the elements. However, claim 26 recites identifying a user of said network based on a communication from the user's device on the network and retrieving at least one recorded announcement for the user based in part on the identification of said user. The Final Office Action has stated, in relation to claim 25, that the recorded announcement is that which is located on the answering device upon a caller placing the call and the user is the caller who has reached the answering device. The Final Office Action has cited to column 5, in general as opposed to citing any specific disclosure, when rejecting claim 26. However, there is no disclosure in Kaufman that the answering device retrieves a message to be played to the incoming caller on the basis of identifying the user from the communication from the caller's device. To the contrary, the answering device always plays the same message to the incoming caller regardless of the identity of the incoming caller. Thus, claim 26 is allowable over Kaufman.

Claims 27-32 depend from claim 26 and are also allowable for at least the same reasons.

Claim 33

The Office Action has rejected claim 33 by stating that Kaufman discloses all of the elements. However, there is a critical flaw in this rejection. Claim 33 recites a step for triggering a request for a recorded announcement by initiating a call on said system, the recorded announcement including information for users who place calls on the telecommunications system. Claim 33 further recites a step for generating a query for a recorded announcement, the query based at least in part on the recorded announcement request triggered from said user. Additionally, claim 33 recites a step for sending the query to one or more data storage schemas via a network, the query corresponding to one

or more recorded announcement triggers initiated by the call. Claim 33 further recites a step for sending at least one recorded announcement to a user of the system in response to the query, wherein sending the at least one recorded announcement to the user includes audibly conveying information to the user as the recorded announcement is played from the telecommunications system during the call.

One must read claim 33 as a whole. When doing so, it can be seen that the request for the recorded announcement is initiated by a call from a user which results in a query for a recorded announcement, and the query is sent to one or more data storage schemas over a network, and the recorded announcement is then sent to the user in response to the query to audibly convey information to the user. The Final Office Action has stated that the user that receives the audible information during a call is the person calling to the answering machine. That being the case, Kaufman fails to disclose all of the elements of the claim that set forth what must happen during that same call by the user. The Final Office Action is mixing what happens in Kaufman when the answering machine places the call to the network to obtain a message for subsequent playback with what happens in Kaufman when the caller places the incoming call to the answering machine.

Contrary to Kaufman, Claim 33 sets forth what happens during a single call by a user. Notice that “a call” is recited in the first element, and then elements that follow are based on what happens during “the call.” Kaufman does not provide for a message being audibly conveyed to a caller during a call where during that same call, a query has been sent over a network (the answering machine sends no queries over a network during the incoming call to it) such that the recorded announcement is then sent to the user in response to that query that resulted from the caller initially placing the call. Therefore, Kaufman fails to disclose all of the elements of claim 33, and claim 33 is allowable over Kaufman for at least these reasons.

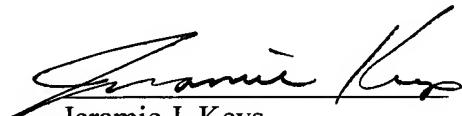
Conclusion

Applicants assert that at least claims 1-20 and 26-33 of the present application are in condition for allowance after final. Applicants request reconsideration in view of the amendments and remarks above and further request that an indication of allowable

subject matter be provided, or that the finality at least be withdrawn. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,



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Date: March 28, 2005

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